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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR:	Robert M. Geffken et al.	)	EXAMINER:	Dao H. Nguyen
		)		
SERIAL NO.:	10/605,440	)	ART UNIT:	2818
		)		
FILING DATE:	September 30, 2003	)	DATE:	April 15, 2005
		)		
FOR:	ADJUSTABLE SELF- ALIGNED AIR GAP DIELECTRIC FOR LOW CAPACITANCE WIRING	)		

**RESPONSE TO RESTRICTION REQUIREMENT-ELECTION OF SPECIES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Office Action mailed March 21, 2005, and the restriction requirement made therein, applicants provisionally elect Group I, claims 1-16, drawn to semiconductor devices, for continued examination herein.

Applicants traverse the restriction requirement on the grounds that 35 USC § 121 authorizes restriction only when the claimed invention is "independent and distinct" (emphasis added). A search of the subject matter of Group I, claims 1-16, drawn to a semiconductor device, would require a search of the subject matter of Group II, claims 17-20, drawn to methods of manufacturing semiconductor devices. Thus the method delineated in Group I is not directed to an independent and distinct matter.

Reconsideration and withdrawal of the restriction requirement and an action on the merits of all the claims are respectfully requested.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Name: Barbara Browne  
ibmb100329000resprestreq

Date: April 15, 2005

Signature: 